



## **New England Mountain Bike Association**

---

### **RE: Comments Opposing SB 445, An Act Concerning Liability for the Recreational Use of Land.**

March 29, 2012

Dear Members of the Judiciary Committee,

---

Testimony to the Judiciary  
Committee Delivered  
by

Phillip Keyes  
Executive Director

New England Mountain  
Bike Association

(800) 57-NEMBA

WWW.NEMBA.ORG

---

Please reject the proposed changes contained in SB 445, An Act Concerning Liability for the Recreational Use of Land. Such changes will reduce the safeguards to private landowners and municipalities that generously offer public recreational access to their properties.

Many outdoor organizations, environmental groups, community organizations, town leaders and a myriad of concerned citizens worked tirelessly in order to protect landowners' and municipal liability exposure if they were to offer public recreational access. The New England Mountain Bike Association was one of the groups that presented testimony in support of these protections.

SB 445 is not a bill that will improve upon the prior legislation. It is a bill that will once again push property owners and municipalities to consider closing off their properties to public recreation.

As an organization focused on the sustainable and environmentally responsible natural surface trails, NEMBA is deeply concerned with the inclusion of "boardwalks" in SB 445. The term defines an enormous range of structures, from a simple wooden plank over a muddy section of trails to 30 ft. wide parquets, such that might be found in Atlantic City, New Jersey.

The types of boardwalks found on natural surface hiking and mountain biking trails are typically small narrow planked structures designed to allow passage over sensitive wetlands, and their primary reason for being is to protect the natural resource and allow easier pedestrian passage. They are simple, low-impact, planked structures that lay on sills inches off the ground.

If the proposed changes to the legislations are enacted, there are three likely outcomes: 1) property owners and municipalities

would re-consider allowing public access on trails containing these structures; 2) the owners and municipalities would remove existing boardwalks designed to protect the natural resource; and 3) property owners would not allow for the installation of any future man-made wetland crossings on any of their properties.

Primitive natural surface trails in Connecticut, as in all of New England, go through many low-lying, muddy areas, and the simplest, most cost-effective way to protect the natural resource and improve public trail access is by using boardwalks.

By making boardwalks the target for slip and fall litigation, this bill does a great disservice to public recreation. SB 445 will greatly damage and reduce the public's ability to recreate on backwoods natural surface trails.

We are very appreciative of the Judiciary Committee's past support of the Act Concerning Liability for the Recreational Use of Land, and we ask you now not entertain ways to reduce those important liability protections.

Sincerely,

Philip Keyes  
Executive Director  
New England Mountain Bike Association